

NOTICES OF PUBLIC INFORMATION

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rulemaking information that does not fit into any other category of notice; and other types of information required by statute to be published in the *Register*. Because of the variety of material that is contained in a Notice of Public Information, the Office of the Secretary of State has not established a specific format for these notices.

NOTICE OF PUBLIC INFORMATION

DEPARTMENT OF ENVIRONMENTAL QUALITY WATER POLLUTION CONTROL

AZPDES STORMWATER CONSTRUCTION GENERAL PERMIT

[M12-417]

1. **Name of the agency:** Department of Environmental Quality
2. **Title and its heading:** 18, Environmental Quality
Chapter and its heading: 9, Department of Environmental Quality - Water Pollution Control
Article and its heading: 9, Arizona Pollutant Discharge Elimination System
Section number: R18-9-A907(B)
3. **A brief description of the proposed general permit:**

The stormwater Construction General Permit (CGP) authorizes the discharge of stormwater and allowable non-stormwater associated with construction activities from large and small sites (see 40 CFR 122.26(b)(14)(x) and 122.26(b)(15), respectively). Since 1992, USEPA has issued a series of stormwater CGPs that provide permit coverage in states where USEPA is the permitting authority. USEPA delegated authority to ADEQ for the NPDES permitting program on December 5, 2002 and the Department issued its first, five-year CGP in February 2003, which was renewed in February 2008. The 2008 CGP will expire on February 28, 2013 and ADEQ proposes to replace it with the 2013 CGP.

The 2013 CGP includes modifications to the 2008 CGP that were necessary to implement USEPA's new narrative technology-based effluent limitations for Construction and Development point sources, known as the "C&D rule." The C&D rule, which became effective February 1, 2010, applies to all permitted discharges from construction sites. As a result of the new rule operators must minimize the discharge of pollutants by implementing erosion and sediment, stabilization and pollution prevention controls (see 40 CFR 450.21(a) through (f)) to assure that Surface Water Quality Standards are maintained.

Under the 2013 CGP, operators must: implement stormwater control measures and develop site-specific stormwater pollution prevention plans (SWPPP) to comply with the CGP requirements; inspect and evaluate the performance of existing control measures; and perform "follow-up" or corrective actions to correct identified problems. In addition, if the site lies within 1/4 mile of an impaired or outstanding Arizona water, the operator must conduct monitoring at each outfall that discharges to the waterbody. As with previous permits, to obtain coverage under the 2013 CGP, an eligible operator must first prepare a SWPPP and then submit a completed Notice of Intent form to the Department.
4. **A description of the permit area:**

The proposed general permit covers stormwater discharges associated with construction activities in Arizona, except for Indian Country as defined in 18 U.S.C. 1151. USEPA Region 9 is the permitting authority for Indian lands in Arizona. Permit coverage is required for construction sites that disturb one acre or more of land. Smaller areas of disturbance may also require coverage, if the total project, or common plan of development, exceeds 1 acre.
5. **How to obtain copies of the draft permit documents:**

Copies of the proposed general permit and accompanying fact sheet are available upon request from the agency personnel listed in item 7, below, and on the Department's web site at <http://www.azdeq.gov/environ/water/permits/cgp.html>.

The proposed general permit and fact sheet are also available at the Arizona Department of Environmental Quality, 1110 W. Washington St., Phoenix, AZ and may be reviewed any time between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding legal holidays.
6. **The time during which the agency will accept written comments:**

Comments on the proposed general permit must be submitted c/o Dennis L. Turner at the address, fax number, or e-mail address provided below, and received or postmarked no later than January 11, 2013. No formal public hearing is currently scheduled. However, within the comment period, interested persons may request a public hearing under A.A.C. R18-9-A908 concerning the proposed permit.

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If the Department decides to hold a public hearing, the time and place of the public hearing will be announced on the ADEQ web site at <http://www.azdeq.gov/environ/water/permits/cgp.html>. Interested persons may also request notification about the public hearing by subscribing the CGP listserv at <http://www.azdeq.gov/subscribe.html>. Alternatively, interested persons may request notification about the public hearing by contacting Dennis L. Turner at the e-mail address, postal address, or phone number below.

7. The name, address, and telephone number of agency personnel to whom questions and comments on the general permit may be addressed:

Name: Dennis L. Turner
Address: Arizona Department of Environmental Quality
Water Quality Division, Surface Water Section
1110 West Washington, 5415A-1
Phoenix, AZ 85007
Telephone: (602) 771-4501
Fax: (602) 771-4528
E-mail: turner.dennis@azdeq.gov